

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

In re:	:	Chapter 11
APPLESEED’S INTERMEDIATE HOLDINGS, LLC, <i>et al.</i>	:	Case No. 11-10160 (KG)
Debtors.	:	
Robert N. Michaelson, as Trustee of the Appleseed’s Litigation Trust,	:	Civil Action No. 11-807 (JEI/KW)
Plaintiff,	:	
v.	:	
Golden Gate Private Equity, Inc., <i>et al.</i> ,	:	
Defendants.	:	
Golden Gate Private Equity, Inc., <i>et al.</i> ,	:	Civil Action No. 11-807 (JEI/KW)
Counterclaim-Plaintiffs,	:	
v.	:	
Robert N. Michaelson, as Trustee of the Appleseed’s Litigation Trust,	:	
Counterclaim-Defendant.	:	

**TRUSTEE’S RESPONSE TO THE MOTION OF FBK DEFENDANTS TO EXTEND
TIME TO FILE COUNTERCLAIMS, CROSSCLAIMS AND THIRD-PARTY CLAIMS**

Plaintiff Robert N. Michaelson, as Trustee (“Trustee”) of the Appleseed’s Litigation Trust, by and through his undersigned counsel, hereby responds to the motion (the “Motion”) [D.I. 51] dated April 13, 2012 of Defendants Jeffrey D. Farmer, Bradford J. Farmer, Brent Bostwick, and Vito Kowalchuk (collectively, the “FBK Defendants”) to extend by thirty (30)

calendar days the time by which they may file counterclaims, crossclaims, and third-party claims.

The Trustee does not object to the relief requested by the FBK Defendants in the Motion. On April 13, 2012, counsel for the Trustee informed counsel for the FBK Defendants that the Trustee consented to the extension sought by the FBK Defendants. Nevertheless, counsel for the FBK Defendants filed the Motion, apparently out of an abundance of caution due to uncertainty over whether the Trustee had authority to grant an extension with respect to the assertion of crossclaims or third-party claims. To the extent appropriate, the Trustee hereby reaffirms that he consents to the relief requested by the FBK Defendants in the Motion.

Dated April 27, 2012

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Trustee of the Appleseed's Litigation Trust*